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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/886,687 | 06/21/2001 | Steve O'Halloran | MS#317975.03 (5347) | 8654 |
| 38779 7590 08/25/2008 SENNIGER POWERS LLP (MSFT) ONE METROPOLITAN SQUARE, 16TH FLOOR ST. LOUIS, MO 63102 | | | | |
| EXAMINER BUCHANAN, CHRISTOPHER R | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3627 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

09/886,687

Applicant(s)

O'HALLORAN ET AL.

Examiner

CHRISTOPHER R. BUCHANAN

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 33 and 35-48 is/are pending in the application.
- 4a) Of the above claim(s) 33 and 35-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming, III (US 6,530,018) alone.

Regarding claim 1, Fleming discloses an inventory agent (read as the general scheme of the shown in Fig. 1) for a component audit and inventory management system, the inventory agent comprising executable code for implementing:

a receiver (interface 103 of device 102, col. 4 line 13+), on a target device (target device is read generally as the device 102), including means for receiving an inventory commence message from a client computer over a data network (interface enables communication between target device 102 and computer system 108 connected to network 111 to begin scan for driver, it allows any type of message to be received from any source, e.g., inventory commence from client, etc.);

a detector (computer system 108 detects device and scans for driver, col. 4 line 61+) on the target device (device 102 is connected to (within) the computer system, col. 4 line 58) including means for collecting hardware and software inventory data relating

to hardware and software installed on a the target device in response to commands included in the inventory-commence message (means interpreted as software for determining whether current driver is installed for device 102); and

a transmitter (interface 103 enables communication including transmitting) including means for transmitting from the target device to a host unit (server 112) of the component audit and inventory management system, through the data network (111), an inventory data message including the inventory data associated with the target device (whether a current driver is installed, col. 4 line 54+).

The system of Fleming differs from the claimed invention in that it does not explicitly show a remote client computer sending an inventory request to the host unit.

However, the system of Fleming shows a host unit (112) connected to a network (111), which would enable requests to be received from remote entities. The location and identity of the requesting entity would be a matter of design choice since it does not affect the nature or operation of the system and does not serve any particular purpose of solve any stated problem.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Fleming so that a remote client computer sends an inventory request to the host unit to provide remote entities with access to inventory data.

Regarding claims 2 and 3: the contingent authentication step of claims 2 and 3 is old and official notice is hereby taken thereof, also see col. 5 requires identifier for

computer 108. The notice is hereby made final. Regarding claim 4: use of email is old in the art, official notice is hereby taken thereof. The notice is hereby made final.

Regarding claim 5: the boot up example in Fleming col. 4 is transparent to the user.

Regarding claims 7 and 8: the practice of storing a log file is an old expedient in the computer art and official notice is hereby taken of it and of SQL.

Response to Arguments

3. Applicant's arguments filed February 29, 2008 have been fully considered but they are not persuasive. Applicant argues that the Fleming reference does not disclose all the recited features of the claimed invention. In particular, that Fleming does not disclose a receiver on the target device for receiving an inventory commence message from a client computer over a network, a detector on the target device for detecting inventory data on the device, or transmitting a message from the target device to the host unit regarding inventory data associated with the device. Furthermore, applicant argues that the system of Fleming is non-analogous art and is irrelevant.

The examiner disagrees and stands by the rejection. The system of Fleming includes a data network, a server (host unit), a computer system (detector), and a device (target device) having an interface for communicating with the computer system. The reference discloses a process whereby the target device can be scanned by the computer system to determine if the device has the appropriate driver and whereby a different driver can be installed if necessary. In the examiner's view, this reference discloses communication between various parts of the system to audit and update

software inventory data, and so, would constitute analogous art. The other points of applicant's arguments are addressed in the rejection above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. BUCHANAN whose telephone number is (571)272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art
Unit 3627

/C. R. B./
Examiner, Art Unit 3627